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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,949	05/22/2001	Brian M. Hackworth	112056-0012	9748
24267                      7590                      04/15/2008 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210				
EXAMINER				
KE, PENG				
ART UNIT		PAPER NUMBER		
2174				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/862,949

**Applicant(s)**

HACKWORTH, BRIAN M.

**Examiner**

Peng Ke

**Art Unit**

2174

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 77-103 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 77-103 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 10/30/07.

Claims 77-103 are pending in this application. Claims 77, 90, and 103 are independent claims. In the Amendment, filed on 10/30/07, claims 77, 90, and 103 were amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 77-81, 83, 85, 86, 88, 89, 90—94, 96, 98, 99, 101, 102, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu US Patent 6,346,954 in view of Pisello US Patent 5,678,042, further in view of Manghirmalani US Patent 5,819,028.

As per claim 77, Chu teaches a method for managing a computer network, comprising: operating a plurality of servers connected to the network, each server of the plurality of servers connected to one or more storage devices, (column 4, lines 45-65) each storage device of the one

or more storage devices having one or more data storage disks; (figure 7, items 06, 108, and 110)

assigning selected storage devices of the one or more storage devices to a particular volume, the one or more storage devices assigned to a plurality of volumes; (figure 5, item 72; column 8, lines 10-20)

consolidating one or more selected volumes of the plurality of volumes into a group of volumes to produce a plurality of group of volumens; (figure 7, item 90 “array A”, column 8, lines 46-55)

displaying the statistical information related to the selected group of volumes to the party identified as interested in the statistical information of the selected group of volumes. (column 1, lines 8-15, column 8, lines 47-column 9, lines 8.)

However, Chu fails to teach identifying a party interested in statistical information related to operation of a selected group of volumes.

Pisello teaches an event process for determining the identities of the interested parties with respect to a predetermined event condition with respect to the directories based upon the statistical information and for notifying the interested parties. (see Pisello; column 24, lines 30-44, column 25, lines 60-column 26, lines 40)

It would have been obvious to an artisan at the time of the invention to include Pisello's teaching with method of claim Chu in order to shift the burden of system administration from a human operator to a more centralized automated process.

However, they fail to teach compare the statistical information to a threshold value to determine if the threshold value is exceeded.

Manghirmalani teaches compare the statistical information to a threshold value to determine if the threshold value is exceeded. (see Manghirmalani; col. 12, lines 15-50)

It would have obvious to an artisan at the time of the invention to include Manghirmalani's teaching with method of claim Chu and Pisello in order to shift the burden of system administration from a human operator to a more centralized automated process.

As per claim 78, Chu, Pisello, and Manghirmalani teach the method according to Claim 77. Pisello further teaches the method comprising:

determining the identity of the party in response to a predetermined event condition. (see Pisello; column 24, lines 30-44, column 25, lines 60-column 26, lines 40)

As per claim 79, Chu, Pisello, and Manghirmalani teach the method according to Claim 78. Chu further teaches the method comprising:

setting a threshold value for a parameter of a storage device in a predetermined group;  
and

determining the event condition in response to the parameter exceeding the threshold value. (figure 7, items 106, 108, and 110; column 9, lines 35-60 and column 10, lines 12-16)

As per claim 80, Chu, Pisello, and Manghirmalani teaches the method according to Claim 79. Chu further teaches the method comprising:

including in the parameters at least one of a central processing utilization level, a storage disk free space, a storage disk used space, an environmental condition, and an operational status.

As per claim 81, Chu, Pisello, and Manghirmalani teach the method according to Claim 77. Pisello further teaches sending by e-mail to the party a notification of the statistical information related to the selected group of volumes. (column 6, lines 30-40)

As per claim 83, Chu, Pisello, and Manghirmalani teach the method according to Claim 77. Pisello further teaches comprising: retaining information with respect to the interested party in a database. (see Pisello; column 24, lines 30-44, column 25, lines 60-column 26, lines 40)

As per claim 85, Chu, Pisello, and Manghirmalani teach the method according to Claim 77. Chu further teaches comprising: presenting the statistical information related to the selected group of volumes through a graphical user interface. (column 1, lines 8-15, column 8, lines 47-column 9, lines 8.)

As per claim 86, Chu, Pisello, and Manghirmalani teach the method according to Claim 85. However, Chu further teaches the method comprising:

placing alerts on the graphical user interface, the alerts identifying a problem condition shown by the statistical information related to the selected group of volumes. (see Chu column 7, lines 20-31)

As per claim 88, Chu, Pisello, and Manghirmalani teach the method according to Claim 77. Chu further teaches the method comprising:

consolidating the statistical information related to the selected group of volumes with a statistical information related to an another selected group of volumes. (column 1, lines 8-15, column 8, lines 47-column 9, lines 8.)

As per claim 89, Chu and Pisello teach the method according to Claim 77. Chu further teaches method further comprising:

using a RAID array of disks as a storage device of the one or more storage devices.  
(column 4, lines 35-50)

As per claims 90—94, 96, 98, 99, 101, and 102 are rejected with the same rationale as claims 77-81, 83, 85, 86, 88, and 89.

As per claim 103, it is rejected with the same rationale as claim 77. *Supra*.

Claims 82, 84, 95, and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu US Patent 6,346,954 in view of Pisello US Patent 5,678,042 further in view of Manghirmalani US Patent 5,819,028 further in view of Welter US Patent 6,633,912

As per claim 82, Chu, Pisello, and Manghirmalani teach the method according to Claim 81. They fail to teach the method comprising: including at least one web link in the e-mail for use by the interested party.

Welter teaches including at least one web link in the e-mail for use by the interested party. (column 21, lines 26-61)

It would be obvious to an artisan at the time of the invention to include Welter's teaching with method of claim Chu, Pisello, and Manghirmalani in order to allow user to view the network information through Internet browser.

As per claim 84, Chu, Pisello, and Manghirmalani teaches the method according to Claim 77. They fail to teach the method comprising:

reporting the statistical information related to the selected group of volumes to a web page so that the party can obtain the statistical information by accessing the web page.

Welter teaches reporting the statistical information related to the selected group of volumes to a web page so that the party can obtain the statistical information by accessing the web page. (column 12, lines 48-68)

It would be obvious to an artisan at the time of the invention to include Welter's teaching with method of claim Chu, Pisello, and Manghirmalani in order to allow user to view the network information through a internet browser.



As per claims 95 and 97, they are rejected with the same rationale as claims 82 and 84.

Supra

Claims 87 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu US Patent 6,346,954 in view of Pisello US Patent 5,678,042 further in view of Manghirmalani US Patent 5,819,028 further in view of York US Patent 6,505,256.

As per claim 87, Chu, Pisello, and Manghirmalani teach the method according to Claim 86. They fail to teach the method further comprising:

coding the alerts with color to indicate a severity of the problem condition.

York teaches wherein the alerts are color coded based upon severity of the problem, respectively. (see York, column 6, lines 30-55; User can set color to different critical alarm levels)

It would have been obvious to an artisan at the time of the invention to include York's teaching with the method of Chu, Pisello, and Manghirmalani in order to provide maximum flexibility for user to set alarm color based upon severity.

As per claim 100, it is rejected with same rationale as claim 87. Supra.

### ***Response to Argument***

Applicant's arguments with respect to claims 77-103 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's arguments filed on 10/30/07 have been fully considered but they are not persuasive.

Applicant's argument focused on whether Pisello teaches notifying an interested party if it is determined that statistical information?

Pisello teaches this limitation because this limitation because it teaches an SNMP monitor portion which monitors the backbone and distinguishes normal reports from immediate notification/action reports. (see Pisello, col. 27, lines 10-35)

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2174

Peng Ke

/Peng Ke/

Examiner, Art Unit 2174